



<b>1214 SENDING A NOTICE OF FINDING</b>	
Chapter: <b>Child Protective Field Services</b>	Section: <b>CPS Family Assessments</b>
 <p>New Hampshire Division for Children, Youth and Families Policy Manual  Policy Directive: <b>17-51</b>  Effective Date: <b>July 2017</b>  Scheduled Review Date:</p>	<p>Approved:</p>  Christine Tappan, Interim DCYF Director
Related Statute(s): <a href="#"><b>RSA 169-C: 35</b></a> Related Admin Rule(s): Related Federal Regulation(s):	Related Form(s): <a href="#"><b>FORM 1211, FORM 1212, FORM 1214, FORM 1215, FORM 1216, FORM 1217, FORM 1218 and FORM 1219</b></a> Bridges' Screen(s) and Attachment(s):

The principle that everyone deserves to be treated with courtesy and respect is important when families and professionals are notified about information found in the course of an assessment. Individuals have a right to know what has been determined, how the determination was reached, and what rights they have regarding the determination. The Division for Children, Youth and Families honors all voices and strives to ensure that each individual has been informed of his or her rights with relation to any determinations made, with time to process the information and respond.

### **Purpose**

This policy is intended to inform CPS staff which Notice of Finding template to utilize when an allegation has been determined to be founded and what efforts are needed to provide the Notice of Finding to an individual.

### **Definitions**

**"Assessment"** means a protective investigation process documented in the NH Statewide Automated Child Welfare Information System (SACWIS), Bridges, by which the DCYF CPSW enquires into a report alleging abuse or neglect pursuant to RSA 169-C: 37, to determine the validity of the allegations and the need for further protective services.

**"Central Registry"** means the state registry that maintains all founded reports of child abuse and/or neglect established pursuant to RSA 169-C:35.

**"Confirmation of Service"** means documentation that an individual received a Notice of Finding, to include but not limited to a United States Postal Service (USPS) return receipt, USPS printout of the delivery confirmation, or a document signed by the individual noting that the notice was hand delivered to him or her.

**"CPS"** means the Bureau of Field Services' Child Protective Services within DCYF.

**"CPSW"** or **"Child Protective Service Worker"** means an employee of DCYF who is authorized by the Division to perform functions of the job classification Child Protective Service Worker.

**"Date of Finding"** means the date that the court ordered a sufficient finding of facts that an individual abused and/or neglected a child/youth, the date that the Administrative Appeal was waived, or the date that the Administrative Appeals Unit (AAU) upheld a founded determination.

**"DCYF"** or the **"Division"** means the Department of Health and Human Services' Division for Children, Youth and Families.

**"Due Process"** means the execution of fairness in all legal matters, including notice, an opportunity to be heard, and the right to defend in an orderly proceeding, must be followed for each individual so that no prejudicial or unequal treatment will result.

**"Founded Determination"** means a specific allegation of child abuse or neglect where the Department has determined that there is a preponderance of the evidence to believe that a child has been abused and/or neglected:

1. **"Founded, Court Action"** means a determination by the court, either after a hearing or pursuant to a consent decree, that a child/youth has been found to be abused and/or neglected through a preponderance of evidence.
2. **"Founded, Problem Resolved"** means a determination by DCYF that there is a preponderance of evidence to believe that the child/youth has been abused and/or neglected and that the presenting danger has been resolved through the provision of services, supports, or other interventions to protect the child/youth and there are no ongoing safety concerns for the child/youth.
3. **"Founded, Services Only"** (Non-Court Agreement) means an agreement between the CPSW and the person responsible for the child abuse and/or neglect in which that parties agree that: the report is founded; the responsible party waives his or her right to an appeal; the responsible party's name will be placed on the state's Central Registry of founded reports of abuse and neglect; and, DCYF will provide services to the family to address the identified maltreatment.

**"Founded Report"** means a report of child abuse and/or neglect where DCYF has made one or more founded determinations.

**"Person Responsible for the Child Abuse and/or Neglect"** means the individual who has been determined by DCYF or the court to have abused and/or neglected a child/youth.

## Policy

- I. CPSWs will adhere to [policy 1213 Final Determination and Closing an Assessment](#) when enough information has been obtained to establish if a report is founded.
- II. Any person determined to be responsible for child abuse and/or neglect will be notified of the founded determination and his/her rights regarding the finding of abuse and/or neglect.
  - A. When a final determination is "Founded, Problem Resolved" or "Founded, Court Action" the person identified as responsible for child abuse and/or neglect will be notified through a Notice of Finding.
    1. Any Notice of Finding will only pertain to allegations made against one individual and victims determined to be abused or neglected by said individual.
    2. If there is more than one victim noted in the Notice of Finding, information must be provided regarding the founded abuse or neglect of each victim.

3. No more than one Assessment (referral number) will be addressed in a Notice of Finding.
  - (a) If there are multiple concurrent Assessments, a Notice of Finding will be written for each Assessment.
  - (b) When there are concurrent Assessments, victims and allegations from one Assessment shall not be disclosed in a Notice of Finding for the related Assessment.
- B. When a final determination is "[Founded Services Only](#)" the person identified as responsible for child abuse and/or neglect will be notified through the Non-Court Agreement (Form 1211).
  1. A Notice of Finding will not be sent.

### **Types of Notices of Findings**

- I. If a determination is made that the person responsible for child abuse and/or neglect is an adult, with no court-appointed guardian, he or she will be formally notified through the receipt of a Notice of Finding (Form 1214).
  - A. The CPSW may conduct a face-to-face meeting with the person responsible for the child abuse and/or neglect discuss the finding and complete an Acknowledgement of Hand Delivery (Form 1212), per Mailing of Notice of Findings I-G below; or
  - B. The CPSW must prepare to mail the Notice of Finding certified "restricted delivery" to the person responsible for the child abuse and/or neglect.
- II. If a determination has been made that the person responsible for child abuse and/or neglect is less than 18 years of age, the CPSW shall formally notify the parent/guardian and the juvenile of the determination through the receipt of a Notice of Finding- Juvenile (Form 1215).
  - A. The CPSW must attempt to conduct a face-to-face meeting with the juvenile's parent(s)/guardian(s) and the juvenile to discuss the finding and its potential impact on the juvenile.
  - B. The inclusion of the juvenile in this meeting or in signing the Notice of Finding- Juvenile (Form 1215) is a treatment-based decision that must be made in consultation with the CPSW, the parent(s)/guardian(s), and those who are clinically involved with the circumstances concerning the abuse and/or neglect.
  - C. During this meeting, the CPSW provides the parent(s)/guardian(s) with the Notice of Finding- Juvenile (Form 1215) which:
    1. Identifies the juvenile as the person responsible for the child abuse and/or neglect in the Assessment;
    2. Provides information concerning the right of the juvenile to appeal the finding of abuse and/or neglect; and
    3. Provides recommendations for clinical intervention to address the juvenile's actions, which resulted in the abuse and/or neglect.

- D. The signatures of both the juvenile and the parent/guardian will be sought on the Notice of Finding- Juvenile (Form 1215) to constitute confirmation of service that the information above has been provided.
    - 1. The CPSW prepares two copies of the Notice of Finding- Juvenile (Form 1215) for the meeting so that one copy can be signed, to be placed in the Assessment record, and the second copy can remain with the juvenile and parent/guardian.
  - E. If the juvenile or parent/guardian is not available for a face-to-face meeting or refuses to sign the Notice of Finding- Juvenile (Form 1215) the CPSW must:
    - 1. Mail the Notice of Finding- Juvenile (Form 1215) certified "restricted delivery" to the parent/guardian;
    - 2. Mail a copy of the Notice of Finding- Juvenile (Form 1215) standard first-class, to the juvenile; and
    - 3. Document in the Bridges Assessment Contact Log that the information was provided to the juvenile via standard first-class mail and the parent/guardian via certified "restricted delivery" mail as the parent/guardian refused to meet/sign the Notice of Finding- Juvenile (Form 1215).
- III. If the person determined to be responsible for child abuse and/or neglect is an adult with a court-appointed guardian, the CPSW shall formally notify the guardian and the adult responsible for the abuse and/or neglect of the determination through the receipt of a Notice of Finding- Person with Guardian (Form 1216).
- A. The CPSW must attempt to conduct a face-to-face meeting with the person responsible for child abuse and/or neglect and the legal guardian of that adult.
  - B. During this meeting, the CPSW provides the person responsible for child abuse and/or neglect and the legal guardian of that adult, with the Notice of Finding- Person with Guardian (Form 1216) which:
    - 1. Identifies the guardian's ward as the person responsible for the child abuse and/or neglect in the Assessment; and
    - 2. Provides information concerning the right of the guardian to appeal the finding of abuse and/or neglect on behalf of his/her ward.
  - C. The signatures of both the person responsible for child abuse and/or neglect and the guardian will be sought on the Notice of Finding- Person with Guardian (Form 1216) to constitute confirmation of service that the information above has been provided.
    - 1. The CPSW shall have two copies of the Notice of Finding- Person with Guardian (Form 1216) at the meeting so that one copy can be signed, to be placed in the Assessment record, and the second copy can remain with the guardian and person responsible for child abuse and/or neglect.

- D. If the person responsible for child abuse and/or neglect or his/her guardian is not available for a face-to-face meeting or refuses to sign the Notice of Finding- Person with Guardian (Form 1216) the CPSW must:
    - 1. Mail the Notice of Finding- Person with Guardian (Form 1216) certified "restricted delivery" to the guardian;
    - 2. Mail a copy of the Notice of Finding- Person with Guardian (Form 1216) standard first-class, to the person responsible for child abuse and/or neglect; and
    - 3. Document in the Bridges Assessment Contact Log that the information was provided to the person responsible for child abuse and/or neglect via standard first-class mail and his/her guardian via certified "restricted delivery" mail as the person responsible for child abuse and/or neglect or his/her guardian refused to meet/sign the Notice of Finding- Person with Guardian (Form 1216).
- IV. When a finding is established in the course of an adjudicatory hearing or through a consent order in lieu of an adjudicatory hearing, the person identified as responsible for child abuse and/or neglect is formally notified via a Notice of Court Finding (Form 1217, Form 1218, or Form 1219).
- A. Adjudicatory hearing orders relevant to multiple petitions presenting more than one person as responsible for child abuse and/or neglect will identify the finding for each individual.
    - 1. If a court order is received and does not specify who has been determined responsible, the CPSW will ask the DCYF Attorney to file a motion to clarify.
    - 2. The CPSW will send each person responsible for child abuse and/or neglect a separate Notice of Court Finding with regards to petitions filed against him or her, and the court's determination of his or her responsibility.
    - 3. If multiple Assessments (referral numbers) are adjudicated through one court proceeding, a Notice of Court Finding will be sent with regards to each Assessment's founded outcome.
  - B. If the person responsible for child abuse and/or neglect is an adult, and does not have a court-appointed guardian, he or she will be informed via the Notice of Court Finding (Form 1217), sent pursuant to Mailing a Notice of Finding below.
  - C. If the person responsible for the child abuse and/or neglect is under 18 years of age. The parent(s)/guardian(s) is/are informed via the Notice of Court Finding- Juvenile (Form 1218), sent pursuant to Mailing a Notice of Finding below.
  - D. If the person responsible for child abuse and/or neglect is an adult with a court-appointed guardian, the guardian will be informed via the Notice of Court Finding- Person with Guardian (Form 1219), sent pursuant to Mailing a Notice of Finding below.

**Mailing of Notice of Findings**

- I. All Notices of Finding are to be sent certified "restricted delivery" unless the individual is incarcerated or enrolled in a residential treatment program; in such circumstance the Notice of Finding is sent certified, standard delivery.

- A. If the person responsible for the child abuse and/or neglect has moved to an unknown location or is experiencing homelessness during the Assessment, the Notice of Finding is to be sent via certified mail to the person's last known residence.
- B. If a Notice of Finding is returned to DCYF indicating that there is "no such address," "cannot be delivered as addressed," or it is "unable to be forwarded" the CPSW shall take further steps:
  - 1. The CPSW will verify if any alternate addresses are accessible in Bridges or New Heights.
    - a. If an alternate or updated address is located, the CPSW will mail the Notice of Finding certified "restricted delivery" to the new address.
    - b. If there are no other addresses available, the CPSW will document this information in the Bridges Assessment Contact Log and prepare the documents for submission to the Central Registry.
  - 2. If the Notice of Finding is not deliverable, and subsequent to entry on the Central Registry the person contacts DCYF regarding the finding, DCYF must provide a copy of the Notice of Finding, and the right to an Administrative Appeal upon request.
- C. If the person responsible for child abuse and/or neglect refuses to accept, or fails to take possession of the Notice of Finding after two attempts by the United States Postal Service (USPS), he or she is considered eligible to be entered on the Central Registry 30 calendar days after USPS marks the Notice of Finding to be returned to sender.
- D. When a Notice of Finding has been mailed and returned to DCYF, the return envelope with the USPS stamps indicating USPS efforts made to deliver shall be maintained in the Assessment file, as documentation that reasonable efforts were made to notify the person responsible for child abuse and/or neglect of the finding.
- E. When a Notice of Finding has been delivered and the Domestic Return Receipt has been signed, the CPSW will maintain the original green Domestic Return Receipt that the person responsible for child abuse and/or neglect signed and dated, in the Assessment file, as confirmation of service.
  - 1. If the Domestic Return Receipt is not returned to the District Office, the CPSW shall contact the local USPS office to request information regarding the Domestic Return Receipt.
  - 2. If the Domestic Return Receipt cannot be located, a printout from the post office or from the USPS Internet Track and Confirm page can be substituted as confirmation of service.
- F. The date the notice of finding is signed for or the date that it was determined sufficient attempts to provide service had been made will begin the [appeal period](#).
  - 1. If the notice of finding letter is returned to the District Office unclaimed then the date of the last attempt of service made by the USPS will be the date that will be entered into the Due Process Box of the Bridges Finding Screen.

2. If the notice of finding letter is returned to the District Office unclaimed without the dates service was attempted documented by the USPS, then the date the District Office received the letter will be the date entered into the Due Process Box of the Bridges Finding Screen.
- G. The CPSW may, in consultation with the CPS Supervisor, choose to hand-deliver a Notice of Finding.
1. The CPSW shall request that the person responsible for the child abuse and/or neglect sign and date an Acknowledgement of Hand Delivery (Form 1212), which demonstrates that the CPSW hand-delivered the Notice of Finding to him/her.
  2. The signed acknowledgement will be filed in the Assessment file as confirmation of service.
  3. The CPSW shall document in the Bridges Assessment Contact Log the date, time, and person served with the Notice of Finding, referencing the signed acknowledgement.
  4. The date of the signed acknowledgement will be entered as the Alleged Perpetrator Notice Date in the Due Process Box of the Bridges Finding Screen.
- II. A Notice of a Court Finding will be sent to the person responsible for child abuse and/or neglect within seven (7) calendar days of the receipt of the court's adjudicatory/consent order in the District Office following the steps outlined above.
- A. If the person responsible for the child abuse and/or neglect has expressed intent to enter into a consent agreement before the hearing, the CPSW may prepare a Notice of Court Finding to have available at the adjudicatory hearing if a consent decree is entered into.
  - B. The date the adjudicatory order or consent order is signed by the judge will be entered as the Court Finding Notice Date in the Due Process Box of the Bridges' Finding Screen.

### Practice Guidance

#### **What date do I use in the Due Process Box of the Bridge's Finding Screen if a person is incarcerated or enrolled in a residential treatment program?**

- If it is a court ordered finding, the date of the court order is used. Otherwise, the date the letter is signed for by someone at the correctional/treatment program is used.

#### **What do I do if the USPS allows an individual other than the addressee to sign for the restricted letter?**

- If the Domestic Return Receipt clearly indicates that the letter was meant to have "restricted delivery" and the signature on the card does not appear to be the signature of the addressee, call the addressee and request that he/she verbally confirm receipt. Document the verbal confirmation in the Bridges Assessment Contact Log. If an individual will not respond to confirm receipt of the letter, consult with your supervisor regarding whether to contact the United States Postal Services and request the letter be resent "restricted delivery" without charge due to the prior error in delivery.

#### **Who do I send the letter to if the person responsible for child abuse and/or neglect was a juvenile at the time of the incident but has turned 18 prior to the Assessment closing?**

- If the individual was a juvenile at the time of the referral to DCYF, a Notice of Finding - Juvenile must be completed. If at the closing of the Assessment the individual has turned 18 years of age, the Notice of Finding - Juvenile must be written to and addressed to the individual him/herself. After the individual has turned 18, he or she is the only individual who may request an appeal therefore he or she must be provided due process. In addition, after the individual has turned 18, the individual has the right not to share this information with his/her parent(s)/guardian(s).